



Attorney Docket No. 33851/42503
PATENT

DEC 28 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael David Church Conf. No.: 8108
Serial No.: 10/026,294 Art Unit: 2823
Filed: December 20, 2001 Examiner: Nguyen, Khiem D.
For: METHOD OF FABRICATING ENHANCED EPROM STRUCTURES
WITH ACCENTUATED HOT ELECTRON GENERATION REGIONS

REQUEST FOR RECONSIDERATION AFTER FINAL

(Box AF)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BARNES & THORNBURG CUSTOMER NO:

23646

U.S. PATENT AND TRADEMARK OFFICE

Sir:

In response to the official Final Office Action dated October 29, 2004, Applicant requests reconsideration of the Final Rejection.

Claims 1-3, 6-15 and 17-21 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-10 of US Patent 6,492,225 ('225 Patent). This rejection is respectfully traversed.

The claims of the present application and the '225 Patent are very similar, but they are not identical. Claim 1 of both the present application and the '225 Patent deals specifically with a process for making semiconductor devices in a polysilicon gate and using them in a self-aligned process to create the source and drain regions. However, they differ in that the present claimed invention includes implanting a first dopant into the well to create a first region and a second region separate from the first region. The first and second regions are implanted across the boundary of the active region and are directly spaced apart from each other across the active region and spaced apart from the center of the active region. This step is illustrated in Figures 10c and 10d.

This step is not included in Claim 1 of the '225 Patent nor is it obvious to modify the process of Claim 1 of the '225 Patent to include this step. The claim limitation noted by the Examiner of creating the gate and then using the gate for the additional first type conductivity

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implantation is subsequent to the claimed step of Claim 1 of the present application as shown in figure 10e. The logic of the rejection includes a double reading of the doping of the gate layer limitation. There is no teaching of using a second reticle for implanting the first type conductivity, much less a teaching of even adding an additional first type conductivity implantation. The proposed modification is an impermissible hindsight reconstruction of the presently claimed invention. Attached is a side by side chart of the two claims to illustrate the differences.

Similarly, in comparing Claim 13 of the present application to Claim 7 of the '225 Patent, this step includes using a second reticle to create a pattern for implanting with the first type of dopant into the well to create first and second regions across the boundary of the active region and spaced apart directly across the active region from each other and spaced apart from the center of the active region. It should be noted that the second reticle in Claim 7 of the '225 Patent generally corresponds to the third reticle in the present claims. As with Claim 1, it is not obvious to modify Claim 7 of the '225 Patent to produce the claimed limitations of Claim 13 of the present application. Thus, Claim 13 of the present application is considered to be patentably distinct from Claim 7 of the '225 Patent.

Based on the above arguments, the claims of the present application are patentably distinct from the claims of US Patent 6,492,225 and, thus, passage of this case to issue is respectfully solicited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (33851/42503).

Respectfully submitted,

BARNES & THORNBURG LLP

Perry Palan
Reg. No. 26,213
(202) 289-1313

by Mark Newman
Reg No 31472

Enclosure